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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,727	03/30/2005	Masahide Sumiyama	043890-0732	1891

20277 7590 09/29/2006

MCDERMOTT WILL & EMERY LLP  
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WASHINGTON, DC 20005-3096

EXAMINER

ENSEY, BRIAN

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/529,727		SUMIYAMA ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Brian Ensey		2615	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Saiki et al. U.S. Patent Application Publication 2003/0174849 A1.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Saiki discloses a speaker module comprising: a magnetic circuit (20,21,22) having a magnetic gap (23); a frame coupled with the magnetic circuit (26); a first diaphragm (25) coupled with a periphery of the frame, the first diaphragm having a first face and a second face opposing the first face; a voice coil (24) coupled with the first diaphragm at the first face, a part of the voice coil inserted into the magnetic gap; a panel (10) coupled with the periphery of the frame; a second diaphragm (14) coupled with the panel, thereby forming a hermetic space with the panel and the first diaphragm, and acoustically coupled with the first

diaphragm, the hermetic space facing the second face; and a light emitting section for emitting light to the panel (See paragraph 0021), wherein the panel transmits the light from the light emitting section to a side of the second diaphragm (See Figs. 1 and 2 and paragraphs 0021 and 0045-0049).

Regarding claim 2, Saiki further discloses the second diaphragm is made of transparent material (See paragraph 0020).

Regarding claim 3, Saiki further discloses the second diaphragm has a substantially plane shape (See Fig. 1).

Regarding claim 4, Saiki further discloses the second diaphragm is larger than the first diaphragm in area (See Fig. 1).

Regarding claim 5, Saiki further discloses at least a part of the panel is made of transparent material (See paragraph 0020).

Regarding claim 6, Saiki further discloses the light emitting section is implanted in the panel (See paragraph 0021).

Regarding claim 7, Saiki further discloses the light emitting section is a light emitting diode (See paragraph 0021).

Regarding claim 8, Saiki discloses a device comprising: a main unit (89); and a speaker module (82) including: a magnetic circuit (20,21,22) having a magnetic gap (23); a frame (26) coupled with the magnetic circuit; a first diaphragm (25) coupled with a periphery of the frame; a voice coil coupled with the first diaphragm, a part of the voice coil inserted into the magnetic gap; a panel (80) coupled with the periphery of the frame; a second diaphragm (84) coupled with the panel, thereby forming a hermetic space with the panel and the first diaphragm, and

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acoustically coupled with the first diaphragm; and a light emitting section (86,88) for emitting the light to the panel, wherein the panel transmits the light from the light emitting section to a side of the second diaphragm, wherein the speaker module is installed into the main unit, supplied with electricity from the main unit to the light emitting section, and emits light, wherein the speaker module is supplied with electricity from the main unit to the voice coil, and emits sound (See paragraphs 0072-00750).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Ensey whose telephone number is 571-272-7496. The examiner can normally be reached on Monday - Friday 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, Va. 22313-1450

**Or faxed to:**

(571) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "PROPOSED" or "DRAFT".

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Hand-delivered responses should be brought to:

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Brian Ensey  
Examiner  
September 25, 2006